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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,673	10/03/2003	Anatoli Stobbe	STOBBE - 12	9769

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EXAMINER	
AKHAVANNIK, HADI	

ART UNIT	PAPER NUMBER
2624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/678,673	STOBBE, ANATOLI
	Examiner	**Art Unit**
	Hadi Akhavannik	2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed; may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 17-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15, 17-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Response to Arguments

Claim 16 is cancelled.

Applicant's arguments see page 14 of remarks filed 9/10/07, with respect to amended claim 1 have been fully considered and are persuasive. Therefore, the Examiner is issuing a second action non-final rejection.

Please see Ginosar et al. (5144442) as it discloses taking pictures at multiple exposures and evaluating the images together in column 1 lines 33-40 and the abstract.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-4, 6, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braithwaite et al. (6299306, referred to as "Braithwaite" herein) in view of see Ginosar et al. (5144442, referred to as "Ginosar" herein).

Regarding claim 1, Braithwaite discloses a) a housing; b) an acquisition chamber disposed in said housing; c) an object plane extending approximately horizontally in said acquisition chamber; (figure 2 and column 3 line 36 to column 4 line 4 discloses an apparatus that allows the user to capture an image of an iris. The apparatus includes an area where the image is acquire, read as acquisition chamber, and an object plane that allows the user to move his eye horizontally to align the iris.

d) a positioning assistance device which generates directions to assist in positioning of a surface of the body part to be imaged in said object plane; (column 4 lines 5-39 and column 2 lines 5-30 discloses a positioning element that assists in aligning the body part)

e) at least one camera which acquires a surface image of the body part from one direction, wherein said at least one camera comprises: i) a lens system which provides substantially distortion-free imaging in an entire image field and has a depth of field corresponding to at least a maximum topographic extension of the surface of the body part to be imaged; and ii) an image sensor (column 3 lines 1-45 and column 4 lines 40-46 discloses a distortion free camera and CCD sensor).

Braithwaite does not explicitly disclose using multiple exposures.

Ginosar discloses taking pictures at multiple exposures and evaluating the images together in column 1 lines 33-40 and the abstract. He uses the multiple images to create a higher quality image.

It would have been obvious at the time of the invention to one of ordinary skill in the art to include in Braithwaite a multiple exposure technique as taught by Ginosar. The reason for the combination is because it makes for a more robust system that can create a higher quality image by incorporating data at multiple exposures.

Regarding claim 2, Braithwaite discloses that the lens system has a depth of field corresponding to deviations in a position of the surface of the body part to be imaged from an ideal position (the rejection of claim 1 and column 6 lines 1-14 discloses that the camera is used to image an object).

Regarding claim 4, Braithwaite discloses one deviation mirror disposed in a beam path between said lens system and said object plane (se column 4 lines 55-65 as it discloses a mirror that is used to reflect).

Regarding, claim 6, the rejection of claim 1 discloses capturing the biometric from at least one side.

Regarding claim 8, Braithwaite discloses that the positioning assistance device comprises a light source which emits a light beam in a visible spectrum (the rejection of claim 1 discloses using a display in the visible spectrum. Further see column 2 lines 5-30).

Regarding claim 3, Braithwaite discloses a camera that is able to image an object in the rejection of claim 2.

Braithwaite does not disclose expressly that the focal length is greater than 10.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to specify an exact number to the focal length. Applicant has not disclosed that a focal length greater than 10 provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the camera disclsoed because Braithwaite discloses that the camera is able to effectively capture the subject.

Therefore, it would have been obvious to combine to one of ordinary skill in this art to modify the focal lenth with to obtain the invention as specified in claim 3.

Regarding claim 9, the examiner takes official notice that it would have been exceedingly obvious at the time of the invention to one of ordinary skill in the art to include in Braithwaite a means for turning off the light source during exposure. The reason is because it is obvious that when taking a picture a system would not want to photograph any additional light from outside sources.

2. Claim 5, 17-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Braithwaite in view of Ginsosor in further view of Heffelfinger et al. (5591981, referred to as "Heffelfinfer" herein).

Regarding claim 5, Braithwaite and Ginosar discloses all aspects of claim 5 except for using a deviation prism.

Heffelfinger discloses using a deviation prism (see column 5 lines 12-26 as it discloses a prism is used to split the light source).

It would have been obvious at the time of the invention to one of ordinary skill in the art to include in Braithwaite a deviation prism as taught by Heffelfinger. The reason for the combination is because it makes for a more robust system that can split a light source into many frequency bands to better analyze an object.

Regarding claim 17, Braithwaite discloses an illuminator (see column 6 lines 1-15)

Regarding claim 18-19, the examiner takes official notice that it would have been exceedingly obvious at the time of the invention to one of ordinary skill in the art to use an LED or flash tube as lighting. The reason is because these are very common light sources that are used to illuminate objects. Further note that Heffelfinger discloses using many different types of light in column 8 lines 20-44.

Regarding claim 20, see figure 1, item 12 of Ginosar which discloses a exposure timing unit.

Regarding claim 21, column 6 lines 18-40 of Heffelfinger discloses using multiple wavelengths.

Regarding claim 22, column 8 lines 20-30 of Heffelfinger discloses using white light.

3. Claim 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braithwaite in view of Ginsosar in further view of Matsumoto (6585374).

Regarding claim 7, Braithwaite and Ginosar discloses all aspects of claim 7 except for capturing an image from multiple sides.

Matsumoto discloses capturing a plurality of images of the body part from a plurality of sides and wherein said plurality of images are evaluated individually or in combination (column 5 line 61 to column 6 line 61 discloses capturing a biometric from multiple sides).

It would have been obvious at the time of the invention to one of ordinary skill in the art to include in Braithwaite and Ginosar a multiple sides imaging means as taught by Matsumot. The reason for the combination is because it makes for a more robust system that is able to analyze a biometric from multiple view points in order to make a more accurate decision.

Regarding claim 15, the rejection of claims 1 and 7 disclose all aspects of claim 15.

4. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braithwaite in view of Ginsosar in further view of Tokorotani (7092556)

Regarding claim 10, the rejection of claim 1 discloses all aspects of claim 10 except it does not explicitly disclose a sensor.

Tokotani discloses a sensor in column 3 lines 57-65 that is used to sense the position of a biometric.

It would have been obvious at the time of the invention to one of ordinary skill in the art to include in Braithwaite and Ginosar a sensing means as taught by Takotani. The reason for the combination is because it allows the system to immediately detect the presence of the biometric inside the cavity. Further, Braithwaite already discloses finding the position in the rejection of claim 1 and Tokotani is merely adding the ability to sense the presence of the biometric.

Regarding claims 11-12, the rejection of claim 10 discloses that the sensor uses infrared technology.

Regarding claim 13, Braithwaite discloses using a distance sensor which operates on a capacitive, high-frequency or ultrasound basis (column 5 lines 21-45 discloses aligning the distance and column 2 lines 31-34 discloses using infrared).

Regarding claim 14, the rejection of claim 1 discloses an optical output and column 6 lines 16-22 of Braithwaite discloses using acoustic signal.)

5. Claims 23 and 24 and rejected under 35 USC 103(a) as being unpatentable over Braithwaite in view of Ginsosar in further view of Collot et al. (5042073, referred to as "Collot" herein).

Regarding claim 23, Braithwaite discloses all aspects of claim 23 except for using multiple algorithms.

Collot discloses using multiple algorithms (see column 4 line 35 to column 5 line 32 and column 8 lines 36-65 as it discloses storing a biometric using multiple algorithms).

It would have been obvious at the time of the invention to one of ordinary skill in the art to include in Braithwaite a multiple algorithm means as taught by Collot. The reason for the combination is because it makes for a more robust system that can save a biometric in a multitude of ways so as to make multiple comparisons for the same biometric.

Regarding claim 24, see the rejection of claim 23, the abstract of Collot, and figure 2 item 4C as it discloses the preferential algorithm choosing.

6. Claims 25-29 and rejected under 35 USC 103(a) as being unpatentable over Braithwaite in view Ginsosar in further view of Harkin (6327376, referred to as "Harkin" herein).

Regarding claim 25, Braithwaite and Ginosar disclose all aspects of claim 25 except for determining an addition biometric capacity.

Harkin discloses using an additional light source to check for characteristics (see column 8 lines 3-61 disclose calculating the reflection of secondary LED pulse light that checks to see if the live biometric is real.

It would have been obvious at the time of the invention to one of ordinary skill in the art to include in Braithwaite a second biometric characterizing means as taught by Harkin. The reason for the combination is because it makes for a more robust system that check to see if the person biometric has the proper oxygen saturation (motivation by Harkin in column 8 lines 10-12)

Regarding claim 26, column 8 lines 15-26 of Harkin discloses changing the intensity of the light source.

Regarding claims 27-28, column 8 lines 40-44 discloses storing the characteristic in addition to the original biometric and is used to increase security. Please note that "to detect manipulation" in claim 28 is just intended use and is not given any weight.

Regarding claim 29, the rejection of claim 25 discloses that the characteristics are stored and the rejection of claim 26 discloses using different wavelengths. Please note that "to detect manipulation" in claim 29 is just intended use and is not given any weight.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Akhavannik whose telephone number is 571-272-8622. The examiner can normally be reached on 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian P. Werner can be reached on 517-272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HA
11/14/07

BRIAN WERNER
SUPERVISORY PATENT EXAMINER